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| APPLICATION NO.                                                                                         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------------|-------------|----------------------|--------------------------|------------------|
| 10/519,746                                                                                              | 12/29/2004  | Noboru Maesono       | HONJ 106NP               | 9188             |
| 23995 7590 04/05/2007<br>RABIN & Berdo, PC<br>1101 14TH STREET, NW<br>SUITE 500<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>BLOUNT, ERIC |                  |
|                                                                                                         |             |                      | ART UNIT<br>2612         | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE                                                                  |             |                      | MAIL DATE                | DELIVERY MODE    |
| 3 MONTHS                                                                                                |             |                      | 04/05/2007               | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/519,746

Applicant(s)

MAESONO ET AL.

Examiner

Eric M. Blount

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-11 are currently pending in the present application. Claims 1 and 3 are amended, while claims 10 and 11 are newly presented.

### *Response to Arguments*

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Steiner [US 4,939,652].

Regarding **claim 1**, Steiner discloses a trip recorder for collecting data for the analysis of driving information, comprising:

- a. A vehicle controller (VMU);
- b. A predetermined data storage for storing predetermined data appearing in the vehicle controller (internal memory, column 3, lines 12-20);
- c. A removable memory (Figure 10, column 10, lines 36-44);

Art Unit: 2612

d. A data collection controller that receives the predetermined data from the predetermined data storage, the data collection controller including at least a code entry section for entering desired data entered in code, and a download section for downloading data entered in code and data in the predetermined data storage into the removable memory (Figure 10, column 10, lines 36-55 (the DTU acts as a data collection controller as well as a removable memory)); wherein

e. The removable memory in which data is downloaded is collected and provided for analysis of driving information (column 10, lines 36-54 and column 3, lines 15-20).

As for **claim 2**, data is stored in the predetermined data storage by a storage-saving-type data recording method (column 1, line 65 – column 2, line 6). Applicants define storage-saving-type data as a data recording method in the predetermined data storage for recording a large amount of data in a small storage (Steiner's compression methods read on this limitation).

As for **claim 3**, Steiner discloses a frequency-accumulation-type data recording method wherein every time a data value detected at predetermined intervals falls within a predetermined range of data values (values not equal to zero), a detection count for the range is accumulated and recorded (column 4, lines 20-55). Steiner shows that as long as a data value is not zero a detection count is recorded at each interval. Further, applicant's claimed frequency-accumulation-typed data recording method lacks criticality. Applicants admit on page 13, lines 1-5 of the specification: *"There are various types of storage-saving-type data recording methods other than the frequency-accumulation-type data recording method. For example, the storage capacity can be saved by recording data that is compressed through the use of a compression*

Art Unit: 2612

*technique.*" This teaching shows that invention would function the same using other data storage techniques.

As for **claims 4, 6, and 7**, Steiner discloses that a plurality of codes may be entered into a data collection controller (Figure 10, column 10, lines 48-54).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 5, 8, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Bailey [US 5,550,738].

As for **claims 5 and 8-10**, Steiner discloses that the data collection controller includes a data entry means which may be used to display/edit VMU program and control parameters (column 10, line 52). Steiner does not specifically disclose types of data that entail program and control parameters. In an analogous art for recording and analyzing vehicle trip data, Bailey

Art Unit: 2612

discloses that a keyboard can be used to enter driver data and service route data (column 3, lines 60-64). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Steiner to include the data codes taught by Bailey because the modification would result in a system for recording a trip wherein a vehicle could be associated with a plurality of information including a driver, a route, or history. A fleet operator would obviously want to identify and analyze the performance of plural drivers.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Tano et al [US 6,438,472 B1]. Steiner does not disclose the claimed frequency-accumulation-type data recording method. In analogous art, Tano et al discloses a frequency-accumulation-type data recording method, in which possible values for a given parameter are divided into ranges, actual values for given parameters are detected at predetermined time intervals, and every time an actual value that lies within one of the ranges is detected, a count value corresponding to the one of the ranges is incremented (column 14, lines 36-63). It would have been obvious to one of ordinary skill in the art to modify the invention of Steiner to include the data storage techniques taught by Tano. The modification would have been obvious based on the preferences of the system controller/designer. Any known technique for storing a large amount of data would have been effective in the present invention. Applicant's claimed frequency-accumulation-typed data recording method lacks criticality. Applicants admit on page 13, lines 1-5 of the specification: *"There are various types of storage-saving-type data recording methods other than the frequency-accumulation-type data recording method. For example, the storage capacity can be saved by recording data that is compressed through the use of a compression*

Art Unit: 2612

*technique.*" This teaching shows that invention would function the same using other data storage techniques.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Examiner  
Art Unit 2612

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**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**